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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
Probation Against:

Case No. 2004-86

13 **JOSEFINA VEGA SEGUEDO**
14 PO Box 2292
Tehachapi, CA 93581
15 Registered Nurse License No. 538974

PETITION TO REVOKE PROBATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
21 solely in her official capacity as the Interim Executive Officer of the Board of Registered
22 Nursing, Department of Consumer Affairs.

23 2. On or about December 4, 1997, the Board of Registered Nursing issued Registered
24 Nurse License Number 538974 to Josefina Vega Seguedo (Respondent). The Registered Nurse
25 License was in effect at all times relevant to the charges brought herein and will expire on June
26 30, 2011, unless renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against Josefina Vega Seguedo," Case No. 2004-86, the Board of Registered Nursing, issued a Decision adopting the Stipulated Settlement and Disciplinary Order, in which Respondent's Registered Nurse License was revoked. The revocation was stayed and Respondent's license was placed on probation for a period of three (3) years subject to certain terms and conditions. The Decision became effective on October 24, 2005 and was set to expire on October 23, 2008. However, her probation was extended in-house to allow Respondent to comply with her conditions of probation. Her probation is now due to end on October 23, 2009. A copy of that decision is attached as Exhibit A and is incorporated by reference.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

PETITION TO REVOKE PROBATION

6. Grounds exist for revoking the probation and reimposing the order of revocation of Respondent's Registered Nurse License in that Respondent has violated the terms and conditions of probation as follows:

Condition 2 – Comply with the Board’s Probation Program. Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent’s compliance with the Board’s Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

1 Upon successful completion of probation, Respondent's license shall be fully restored.

2 **Condition 6 – Function as a Registered Nurse.** Respondent, during the period of
3 probation, shall engage in the practice of registered nursing in California for a minimum of 24
4 hours per week for 6 consecutive months or as determined by the Board.

5 For purposes of compliance with the section, "engage in the practice of registered nursing"
6 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
7 non-direct patient care position that requires licensure as a registered nurse.

8 The Board may require that advanced practice nurses engage in advanced practice nursing
9 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

10 If Respondent has not complied with this condition during the probationary term, and
11 Respondent has presented sufficient documentation of her good faith efforts to comply with this
12 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
13 extension of Respondent's probation period up to one year without further hearing in order to
14 comply with this condition. During the one year extension, all original conditions of probation
15 shall apply.

16 **Condition 10 – Complete a Nursing Course(s).** Respondent, at her own expense,
17 shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no
18 later than six months prior to the end of her probationary term.

19 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
20 Respondent shall submit to the Board the original transcripts or certificates of completion for the
21 above required course(s). The Board shall return the original documents to Respondent after
22 photocopying them for its records.

23 **Condition 11 – Cost Recovery.** Respondent shall pay to the Board costs associated
24 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
25 in the amount of \$6,000.00. Respondent shall be permitted to pay these costs in a payment plan
26 approved by the Board, with payments to be completed no later than three months prior to the end
27 of the probation term.

28

1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
4 extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 will apply.

7 **FIRST CAUSE TO REVOKE PROBATION**

8 **(Failure to Comply with Probationary Terms)**

9 7. Respondent's probation is subject to revocation under Probation Condition 2, in that
10 she failed to fully comply with the conditions of the Probation Program established by the Board
11 and cooperate with representatives of the Board in its monitoring and investigation of the
12 Respondent's compliance with the Board's Probation Program. The circumstances are as
13 described below and are incorporated herein by reference.

14 **SECOND CAUSE TO REVOKE PROBATION**

15 **(Failure to Function as a Registered Nurse)**

16 8. Respondent's probation is subject to revocation under Probation Condition 6, in that
17 she failed to function as a registered nurse for 6 consecutive months at a minimum of 24 hours
18 per week.

19 **THIRD CAUSE TO REVOKE PROBATION**

20 **(Failure to Complete Courses)**

21 9. Respondent's probation is subject to revocation under Probation Condition 10, in that
22 she failed to complete required nursing courses. Specifically, she failed to complete 4 to 6 hours
23 of medication administration.

24 **FOURTH CAUSE TO REVOKE PROBATION**

25 **(Failure to Pay Cost Recovery)**

26 10. Respondent's probation is subject to revocation under Probation Condition 11, in that
27 she failed to pay full cost recovery pursuant to Business and Professions Code section 125.3.
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1 According to the Board's records, Respondent has not paid any costs and still owes a balance of
2 \$6,000.00

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
7 No. 2004-86 and imposing the disciplinary order that was stayed thereby revoking Registered
8 Nurse License No. 538974 issued to Josefina Vega Seguedo;
9 2. Revoking or suspending Registered Nurse License No. 538974, issued to Josefina
10 Vega Seguedo;
11 3. Taking such other and further action as deemed necessary and proper.

12
13
14 DATED: 10/8/09

for

Stacie Benson
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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18 LA2009603848
19 pet revoke prob.rtf
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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-86

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JOSEFINA VEGA SEGUEDO
1713 Cherry Street
Bakersfield, CA 93304

Registered Nurse License No. 538974
Respondent


Case No. 2004-86

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on October 24, 2005.

IT IS SO ORDERED September 23, 2005.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 BEN JOHNSON, State Bar No. 84406
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1700
4 Los Angeles, CA 90013
Telephone: (213) 897-2095
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 JOSEFINA VEGA SEGUEDO
12 1713 Cherry Street
13 Bakersfield, CA 93304

14 Registered Nurse No. 538974

15 Respondent.

Case No. 2004-86

OAH No. L2004030747

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
17 above-entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
20 the Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Ben
22 Johnson, Deputy Attorney General.

23 2. Respondent Josefina Vega Seguedo (Respondent) is represented in this
24 proceeding by attorney Jeffrey S. Kravitz, Attorney at Law, whose address is THE COCHRAN
25 FIRM, 2310 J Street, Suite A, Sacramento, CA 95816.

26 3. On or about December 4, 1997, the Board of Registered Nursing issued
27 Registered Nurse No. 538974 to Josefina Vega Seguedo (Respondent). The Nurse was in full

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1 force and effect at all times relevant to the charges brought in Accusation No. 2004-86 and will
2 expire on June 30, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2004-86 was filed before the BOARD OF REGISTERED
5 NURSING (BRN) for the DEPARTMENT OF CONSUMER AFFAIRS, STATE OF
6 CALIFORNIA, and is currently pending against Respondent. The Accusation and all other
7 statutorily required documents were properly served on Respondent on November 6, 2003.
8 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
9 No. 2004-86 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 2004-86. Respondent has also
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
17 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
18 the right to present evidence and to testify on her own behalf; the right to the issuance of
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to
20 reconsideration and court review of an adverse decision; and all other rights accorded by the
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent understands and agrees that the charges and allegations in
26 Accusation No. 2004-86, if proven at a hearing, constitute cause for imposing discipline upon
27 her Registered Nurse.

28 9. For the purpose of resolving the Accusation without the expense and

1 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
2 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
3 her right to contest those charges.

4 10. Respondent agrees that her Registered Nurse is subject to discipline and
5 she agrees to be bound by the BRN's imposition of discipline as set forth in the Disciplinary
6 Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. Respondent Josefina Vega Seguedo has never been the subject of any
9 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

10 RESERVATION

11 12. The admissions made by Respondent herein are only for the purposes of
12 this proceeding, or any other proceedings in which the BOARD OF REGISTERED NURSING,
13 DEPARTMENT OF CONSUMER AFFAIRS, or other professional licensing agency is involved,
14 and shall not be admissible in any other criminal or civil proceeding.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the BOARD OF
17 REGISTERED NURSING. Respondent understands and agrees that counsel for Complainant
18 and the staff of the Board of Registered Nursing may communicate directly with the BRN
19 regarding this stipulation and settlement, without notice to or participation by Respondent or her
20 counsel. By signing the stipulation, Respondent understands and agrees that she may not
21 withdraw her agreement or seek to rescind the stipulation prior to the time the BRN considers
22 and acts upon it. If the BRN fails to adopt this stipulation as its Decision and Order, the
23 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
24 paragraph, it shall be inadmissible in any legal action between the parties, and the BRN shall not
25 be disqualified from further action by having considered this matter.

26 14. The parties understand and agree that facsimile copies of this Stipulated
27 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
28 force and effect as the originals.

1 15. In consideration of the foregoing admissions and stipulations, the parties
2 agree that the BRN may, without further notice or formal proceeding, issue and enter the
3 following Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Registered Nurse No. 538974 issued to
6 Respondent Josefina Vega Seguedo is revoked. However, the revocation is stayed and
7 Respondent is placed on probation for three (3) years on the following terms and conditions.

8 **Severability Clause.** Each condition of probation contained herein is a separate
9 and distinct condition. If any condition of this Order, or any application thereof, is declared
10 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
11 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
12 and enforceable to the fullest extent permitted by law.

13 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
14 A full and detailed account of any and all violations of law shall be reported by Respondent to
15 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
16 compliance with this condition, Respondent shall submit completed fingerprint forms and
17 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
18 as part of the licensure application process.

19 **Criminal Court Orders:** If Respondent is under criminal court orders, including
20 probation or parole, and the order is violated, this shall be deemed a violation of these probation
21 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

22 2. **Comply with the Board's Probation Program.** Respondent shall fully
23 comply with the conditions of the Probation Program established by the Board and cooperate
24 with representatives of the Board in its monitoring and investigation of the Respondent's
25 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
26 within no more than 15 days of any address change and shall at all times maintain an active,
27 current license status with the Board, including during any period of suspension.

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1 Upon successful completion of probation, Respondent's license shall be fully
2 restored.

3 **3. Report in Person.** Respondent, during the period of probation, shall
4 appear in person at interviews/meetings as directed by the Board or its designated
5 representatives.

6 **4. Residency, Practice, or Licensure Outside of State.** Periods of
7 residency or practice as a registered nurse outside of California shall not apply toward a reduction
8 of this probation time period. Respondent's probation is tolled, if and when she resides outside
9 of California. Respondent must provide written notice to the Board within 15 days of any change
10 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been
13 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
14 provide information regarding the status of each license and any changes in such license status
15 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
16 new nursing license during the term of probation.

17 **5. Submit Written Reports.** Respondent, during the period of probation,
18 shall submit or cause to be submitted such written reports/declarations and verification of actions
19 under penalty of perjury, as required by the Board. These reports/declarations shall contain
20 statements relative to Respondent's compliance with all the conditions of the Board's Probation
21 Program. Respondent shall immediately execute all release of information forms as may be
22 required by the Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency
24 in every state and territory in which she has a registered nurse license.

25 **6. Function as a Registered Nurse.** Respondent, during the period of
26 probation, shall engage in the practice of registered nursing in California for a minimum of 24
27 hours per week for 6 consecutive months or as determined by the Board.

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1 For purposes of compliance with the section, "engage in the practice of registered
2 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
3 work in any non-direct patient care position that requires licensure as a registered nurse.

4 The Board may require that advanced practice nurses engage in advanced practice
5 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
6 Board.

7 If Respondent has not complied with this condition during the probationary term,
8 and Respondent has presented sufficient documentation of her good faith efforts to comply with
9 this condition, and if no other conditions have been violated, the Board, in its discretion, may
10 grant an extension of Respondent's probation period up to one year without further hearing in
11 order to comply with this condition. During the one year extension, all original conditions of
12 probation shall apply.

13 **7. Employment Approval and Reporting Requirements.** Respondent
14 shall obtain prior approval from the Board before commencing or continuing any employment,
15 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
16 performance evaluations and other employment related reports as a registered nurse upon request
17 of the Board.

18 Respondent shall provide a copy of this Decision to her employer and immediate
19 supervisors prior to commencement of any nursing or other health care related employment.

20 In addition to the above, Respondent shall notify the Board in writing within
21 seventy-two (72) hours after she obtains any nursing or other health care related employment.
22 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
23 terminated or separated, regardless of cause, from any nursing, or other health care related
24 employment with a full explanation of the circumstances surrounding the termination or
25 separation.

26 **8. Supervision.** Respondent shall obtain prior approval from the Board
27 regarding Respondent's level of supervision and/or collaboration before commencing or
28 continuing any employment as a registered nurse, or education and training that includes patient

1 care.

2 Respondent shall practice only under the direct supervision of a registered nurse
3 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
4 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
5 are approved.

6 Respondent's level of supervision and/or collaboration may include, but is not
7 limited to the following:

8 (a) Maximum - The individual providing supervision and/or collaboration is
9 present in the patient care area or in any other work setting at all times.

10 (b) Moderate - The individual providing supervision and/or collaboration is in
11 the patient care unit or in any other work setting at least half the hours Respondent works.

12 (c) Minimum - The individual providing supervision and/or collaboration has
13 person-to-person communication with Respondent at least twice during each shift worked.

14 (d) Home Health Care - If Respondent is approved to work in the home health
15 care setting, the individual providing supervision and/or collaboration shall have person-to-
16 person communication with Respondent as required by the Board each work day. Respondent
17 shall maintain telephone or other telecommunication contact with the individual providing
18 supervision and/or collaboration as required by the Board during each work day. The individual
19 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
20 site visits to patients' homes visited by Respondent with or without Respondent present.

21 9. **Employment Limitations.** Respondent shall not work for a nurse's
22 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
23 traveling nurse, or for an in-house nursing pool.

24 Respondent shall not work for a licensed home health agency as a visiting nurse
25 unless the registered nursing supervision and other protections for home visits have been
26 approved by the Board. Respondent shall not work in any other registered nursing occupation
27 where home visits are required.

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Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If Respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to Respondent after photocopying them for its records.

11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$6,000.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

1 12. **Violation of Probation.** If Respondent violates the conditions of her
2 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
3 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
4 license.

5 If during the period of probation, an accusation or petition to revoke probation has
6 been filed against Respondent's license or the Attorney General's Office has been requested to
7 prepare an accusation or petition to revoke probation against Respondent's license, the
8 probationary period shall automatically be extended and shall not expire until the accusation or
9 petition has been acted upon by the Board.

10 13. **License Surrender.** During Respondent's term of probation, if she ceases
11 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
12 probation, Respondent may surrender her license to the Board. The Board reserves the right to
13 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
14 take any other action deemed appropriate and reasonable under the circumstances, without
15 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
16 will no longer be subject to the conditions of probation.

17 Surrender of Respondent's license shall be considered a disciplinary action and
18 shall become a part of Respondent's license history with the Board. A registered nurse whose
19 license has been surrendered may petition the Board for reinstatement no sooner than the
20 following minimum periods from the effective date of the disciplinary decision:

21 (1) Two years for reinstatement of a license that was surrendered for any
22 reason other than a mental or physical illness; or

23 (2) One year for a license surrendered for a mental or physical illness.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey S. Kravitz, Attorney at Law. I understand the stipulation and the effect it will have on my Registered Nurse. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the BOARD OF REGISTERED NURSING, DEPARTMENT OF CONSUMER AFFAIRS.

DATED: _____.

JOSEFINA VEGA SEGUEDO
Respondent

I concur with this stipulated settlement.

DATED: _____.

JEFFREY S. KRAVITZ, ATTORNEY AT LAW
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the BOARD OF REGISTERED NURSING, DEPARTMENT OF CONSUMER AFFAIRS of the STATE OF CALIFORNIA.

DATED: June 7, 2015.

BILL LOCKYER, Attorney General
of the State of California

Ben Johnson
BEN JOHNSON
Deputy Attorney General

Attorneys for Complainant

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeffrey S. Kravitz, Attorney at Law. I understand the stipulation and the effect it will have on my Registered Nurse. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the BOARD OF REGISTERED NURSING, DEPARTMENT OF CONSUMER AFFAIRS.

DATED: 6-16-05


JOSEFINA VEGA SEGUEDO
Respondent

I concur with this stipulated settlement.

DATED: 6-16-05



JEFFREY S. KRAVITZ, ATTORNEY AT LAW
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the BOARD OF REGISTERED NURSING, DEPARTMENT OF CONSUMER AFFAIRS of the STATE OF CALIFORNIA.

DATED: June 7, 2005

BILL LOCKYER, Attorney General
of the State of California


BEN JOHNSON
Deputy Attorney General
Attorneys for Complainant

DOI Document ID Number: LA2003600689

Exhibit A
Accusation No. 2004-86

1 BILL LOCKYER, Attorney General
of the State of California
2 CHRISTOPHER J. RUIZ, State Bar No. 165017
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2535
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. *2004-86*

12 JOSEFINA VEGA SEGUEDO
1713 Cherry Street
13 Bakersfield, CA 93304

A C C U S A T I O N

14 Registered Nurse License No. 538974

15 Respondent.

16

17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 (Board), Department of Consumer Affairs.

22 2. On or about December 4, 1997, the Board issued Registered Nurse License
23 No. 538974 to Josefina Vega Seguedo (Respondent). The registered nurse license was in full
24 force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2005, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2811, subdivision (b), provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."

8. California Code of Regulations, title 16, section 1442, states:

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

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1 9. California Code of Regulations, title 16, section 1443, states:

2 "As used in Section 2761 of the code, 'incompetence' means the lack of possession
3 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
4 and exercised by a competent registered nurse as described in Section 1443.5."

5 10. California Code of Regulations, title 16, section 1443.5 states:

6 "A registered nurse shall be considered to be competent when he/she consistently
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical
8 sciences in applying the nursing process, as follows:

9 "(1) Formulates a nursing diagnosis through observation of the client's physical
10 condition and behavior, and through interpretation of information obtained from the client and
11 others, including the health team.

12 "(2) Formulates a care plan, in collaboration with the client, which ensures that
13 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
14 protection, and for disease prevention and restorative measures.

15 "(3) Performs skills essential to the kind of nursing action to be taken, explains
16 the health treatment to the client and family and teaches the client and family how to care for the
17 client's health needs.

18 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and
20 effectively supervises nursing care being given by subordinates.

21 "(5) Evaluates the effectiveness of the care plan through observation of the
22 client's physical condition and behavior, signs and symptoms of illness, and reactions to
23 treatment and through communication with the client and health team members, and modifies the
24 plan as needed.

25 "(6) Acts as the client's advocate, as circumstances require, by initiating action to
26 improve health care or to change decisions or activities which are against the interests or wishes
27 of the client, and by giving the client the opportunity to make informed decisions about health
28 care before it is provided."

1 11. Section 118, subdivision (b), provides that the suspension, expiration,
2 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with
3 a disciplinary action during the period within which the license may be renewed, restored,
4 reissued or reinstated.

5 12. Section 125.3, subdivision (a), states, in pertinent part:

6 "Except as otherwise provided by law, in any order issued in resolution of a
7 disciplinary proceeding before any board within the department . . . the board may request the
8 administrative law judge to direct a licensee found to have committed a violation or violations
9 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case."

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Gross Negligence -- Patient J-83766)**

13 13. Respondent is subject to disciplinary action under section 2761,
14 subdivision (a)(1), on the grounds of unprofessional conduct in that on or about November 25,
15 2000, while employed as a Registered Nurse at Wasco State Prison, and while providing care to
16 inmate/patient J-83766, Respondent committed acts of gross negligence within the meaning of
17 California Code of Regulations, title 16, section 1442, when she administered the wrong
18 medication, on the wrong day, to patient J-83766, as follows:

19 a. Patient J-83766 was to receive EPU Procret 10,000 units, q.o.d. (every
20 other day).

21 b. Respondent administered Heparin 10,000 units to patient J-83766 instead
22 of EPU Procret 10,000.

23 c. Respondent failed to notice that patient J-83766 had received EPU Procret
24 the previous day, November 24, 2000, and that he was not due to receive the medication again
25 until the next day, November 26, 2000.

26 d. Respondent failed to follow the five rights of medication administration
27 (right medication, right dose, right time, right frequency, and right patient).

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Gross Negligence -- Patient T-01347)**

3 16. Respondent is subject to disciplinary action under section 2761,
4 subdivision (a)(1), on the grounds of unprofessional conduct in that on or about January 16,
5 2001, while employed as a Registered Nurse at Wasco State Prison, and while providing care to
6 inmate/patient T-01347, Respondent committed acts of gross negligence within the meaning of
7 California Code of Regulations, title 16, section 1442, when she knowingly administered a less
8 than full dose of Vancomycin intravenously to patient T-01347, as follows:

9 a. On or about January 16, 2001, at approximately 0500 hours, Wendy
10 Carlsen, R.N., was cleaning the emergency room when she heard an IV pump alarm in the
11 Correctional Treatment Center and went to investigate the alarm.

12 b. Nurse Carlsen found Respondent attempting to infuse Vancomycin
13 through Picc line to patient T-01347.

14 c. Nurse Carlsen noticed a small air bubble in the IV line and in attempting
15 to clear it, found that Respondent had failed to prime the IV line.

16 d. Nurse Carlsen and Respondent cleared the whole IV line of air, wasting
17 approximately 1/4 of the Vancomycin into the sink. The IV pump stopped alarming and infused
18 properly thereafter.

19 e. Nurse Carlsen told Respondent once to discard the bag of Vancomycin,
20 and twice to mix a new bag of Vancomycin.

21 f. Respondent failed to mix a new bag of Vancomycin, and instead infused
22 patient T-01347 with the bag of Vancomycin that was approximately 1/4 short of a full dose.

23 g. Respondent failed to act as an ordinarily responsible and prudent
24 registered nurse in that she failed to administer the correct dose of Vancomycin to her patient.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Gross Negligence -- Patients J-39756, K-68383, E-75094 and T-00225)**

27 17. Respondent is subject to disciplinary action under section 2761,
28 subdivision (a)(1), on the grounds of unprofessional conduct in that on or about January 21,

2001, while employed as a Registered Nurse at Wasco State Prison, and while providing care to inmates/patients J-39756, K-68383, E-75094 and T-00225, Respondent committed acts of gross negligence within the meaning of California Code of Regulations, title 16, section 1442, when she failed to administer morning medications to patients J-39756, K-68383, E-75094 and T-00225, as follows:

a. Patient J-39756

(1) On or about January 21, 2001, Respondent failed to administer Wellbutrin 100mg to patient J-39756.

(2) Respondent noted on the patient's medication administration record at approximately 1300 hours that Wellbutrin 100mg was not administered to the patient because it was not available.

(3) Wellbutrin 100 was available from the Doc-U-Med or from floor stock in the clinics.

(4) Respondent failed to administer Wellbutrin to patient J-39756, failed to ask for assistance from other staff in locating the medication, failed to notify the physician and request possible alternative medication, and failed to notify oncoming nursing staff that this patient did not receive his morning medication.

b. Patient K-68383

(1) On or about January 21, 2001, Respondent failed to administer Artane 5 mg to patient K-68383.

(2) Respondent noted on the patient's medication administration record at approximately 0900 hours that Artane 5 mg. was not administered to the patient because it was not available.

(3) Artane 5 mg. was available from the Doc-U-Med or from floor stock in the clinics.

(4) Respondent failed to administer Artane to patient K-68383, failed to ask for assistance from other staff in locating the medication, failed to notify the physician and

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1 request possible alternative medication, and failed to notify oncoming nursing staff that this
2 patient did not receive his morning medication.

3 c. Patient E-75094

4 (1) On or about January 21, 2001, Respondent failed to administer Hivid 0.75
5 mg to patient E-75094.

6 (2) Respondent noted on the patient's medication administration record at
7 approximately 0900 and 1300 hours that Hivid 0.75 was not administered to the patient because
8 it was not available.

9 (3) Hivid was available, and was in the patient's cassette.

10 (4) Respondent failed to administer Hivid to patient E-75094, failed to ask for
11 assistance from other staff in locating the medication, failed to notify the physician and request
12 possible alternative medication, and failed to notify oncoming nursing staff that this patient did
13 not receive his morning medication.

14 d. Patient T-00225

15 (1) On or about January 21, 2001, Respondent failed to administer
16 Amoxicillin 500 mg to patient T-00225.

17 (2) Respondent noted on the patient's medication administration record at
18 approximately 1300 hours that Amoxicillin was not administered to the patient because it was
19 not available.

20 (3) Amoxicillin was available from either the Doc-U-Med or from the E.R.

21 (4) Respondent failed to administer Amoxicillin to patient T-00225, failed to
22 ask for assistance from other staff in locating the medication, failed to notify the physician and
23 request possible alternative medication, and failed to notify oncoming nursing staff that this
24 patient did not receive his morning medication.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 **(Incompetence)**

27 18. Respondent is subject to disciplinary action under Business and
28 Professions Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, as


1 defined in California Code of Regulations, title 16, sections 1443 and 1443.5, in that Respondent
2 committed acts of incompetence, as alleged and incorporated by reference in paragraphs 13
3 through 17.

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License No. 538974, issued to
8 Josefina Vega Seguedo;
- 9 2. Ordering Josefina Vega Seguedo to pay the Board of Registered Nursing
10 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 10/17/03

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16 RUTH ANN TERRY, M.P.H., R.N.
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant
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